

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
SEPTEMBER 14, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Natarajan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan and Chan.
Absent: Councilmember Harrison was absent at the time of roll call and arrived after the conclusion of action taken on the Consent Calendar

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan and Chan
Noes:	None
Absent:	Councilmember Harrison
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council approved the minutes for the Special and Regular Meetings of September 7, 2010.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan and Chan
Noes:	None
Absent:	Councilmember Harrison
Abstain:	None

* **2.3 Mayor Wasserman opened consideration of Approval of the Partial Release of Improvement Security Required by the Improvement Agreements for Tracts 7693 and 7765, Based on the Partial Completion of Improvements**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council approved the partial release of improvement securities for Tracts 7693 and 7765 in the following amounts, retaining the remaining amounts as security until acceptance of the improvements by the City Engineer.

<u>Tract</u>	<u>Original Bond Amount</u>	<u>Remaining Bond Amount</u>
7693 - Public Improvements	\$384,000	\$153,600
7693 - Private Improvements	\$3,745,000	\$1,498,000
7765 - Private Improvements	\$14,551,000	\$5,820,400

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

* **2.4 Mayor Wasserman opened consideration of Report of Actions Taken by the City Manager during Council Recess, July 28, 2010 through September 7, 2010**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council received report acknowledging actions taken by the City Manager or designee during the recess.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

* **2.5 Mayor Wasserman opened consideration of Replacement of Letter of Credit on the City of Fremont 2008 Variable Rate Demand Certificates of Participation (2008 Financing Project) (COPs)**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Approved substitution of the Allied Irish Bank letter of credit with the U. S. Bank letter of credit for the 2008 Variable Rate Demand Certificates of Participation.
2. Adopted Resolution No. 2010-53 authorizing the preparation and execution by the City officers and staff identified in the resolution of all agreements, documents, and certificates required to remarket the 2008 Variable Rate Demand Certificates of Participation, including the following documents (which are and have been on file with the Office of the City Clerk), in addition to the enclosures, in connection with the 2008 Variable Rate Demand Certificates of Participation:

- a. Reimbursement Agreement with U. S. Bank, National Association
- b. Mandatory Tender Notice

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Chan

Noes: None

Absent: Councilmember Harrison

Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Continuation of Public Hearing (Published Notice) to Consider an Appeal of a Historical Architectural Review Board (HARB) Determination that an Existing Single-Family Dwelling Located in the Mission San Jose Conservation District is a Potential Register Resource and of the Accompanying HARB Denial of a Request for Permission to Demolish the Structure (PLN2010-00249)**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council continued item to October 5, 2010 and directed the City Clerk to republish the appropriate public hearing notice.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Chan

Noes: None

Absent: Councilmember Harrison

Abstain: None

*** 2.7 Mayor Wasserman opened consideration of a Noticed Public Hearing and Consider Introduction of an Ordinance Amending the Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project Area to Extend Time Limits for Plan Effectiveness and Tax Increment Receipt as Authorized Under the Community Redevelopment Law as a Result of Agency Educational Revenue Augmentation Fund (ERAF) Payments for Fiscal Years 2004-05 and 2005-06**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Conducted and closed the noticed public hearing on the proposed Amendment and Ordinance;
2. Introduced an Ordinance amending the Consolidated Redevelopment Plan for the Fremont Merged Redevelopment Project to extend time limits for plan effectiveness and tax increment receipt, including making related CRL findings and directing staff to make appropriate statutory filings.
3. Directed staff to prepare and the City Clerk publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Chan

Noes: None

Absent: Councilmember Harrison

Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Continuation of Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Decision to Deny a Conditional Use Permit Application to Allow the Conversion of an Existing Residential Structure to a Commercial Structure (PLN2008-00223)**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council continued item to a date to be determined and directed the City Clerk to republish the appropriate public hearing notice.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Chan
Noes: None
Absent: Councilmember Harrison
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – None.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of Adoption of a Negative Declaration and Approve the Site Master Plan for the Fremont Skate Park, 8672 (PWC) including Proposed Art

Interim Assistant City Manager/Parks & Recreation Director Annabell Holland provided introductory remarks and introduced staff. Senior Landscape Architect Roger Ravenstad introduced the project team, provided background information, location analysis, and addressed community concerns. Zach Wormhoudt (Consultant) provided an orientation to the proposed site, the context of the Skate Park within existing park improvements and highlighted detailed features of the Skate Park design. Staff and the Consultant responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. Donna Wies, Tony Pimentel (CaliSkatz Skateshop) and Michael McCreery expressed support for the design and the proposed location of the Skate Park as recommended by staff. Bob Fifield, John Freeman, and Urmila Patel expressed opposition to the proposed location of the Skate Park as

recommended by staff and presented options for several alternative sites. John Weed requested including security features, such as a video surveillance system as part of this project. There were no other speakers. Mayor Wasserman closed the public hearing. Another question and answer period followed. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing.
2. Adopted the draft Negative Declaration, as shown in Exhibit A, and found this action reflects the independent judgment of the City of Fremont.
3. Approved the art designed by Eric Powell for the Advance Bowl railing, and determined that it meets the requirements of the Art in Public Places Policy, Resolution No. 7111.
4. Approved Exhibit B, Site Master Plan for the Fremont Skate Park, PWC 8672.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:50 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor